

14230 U.S. PTO  
011604

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  <i>(Only for new non-provisional applications under 37 CFR 1.53(b))</i>	<i>Title of Invention</i>	[5-Carboxamido or 5-Fluoro]-[2',3'-Unsaturated or 3'-M dified]-Pyrimidine Nucleosides
	<i>Named Inventor(s)</i>	Raymond F. Schinazi, Dennis C. Liotta
	<i>Attorney Docket</i>	EMU133 CON 5 18085.105302
	<i>Express Mail Label No.</i>	EV 330777763US

<b>APPLICATION ELEMENTS</b>	Commissioner for Patents <b>ADDRESS TO:</b> Mail Stop Patent Application P. O. Box 1450 Alexandria, VA 22313-1450
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1. <input checked="" type="checkbox"/> Fee Transmittal Form <i>(Submit an original, and a duplicate for fee processing)</i> 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification, Claims, and Abstract <span style="float: right;">Total Pages 37</span> 4. <input type="checkbox"/> Drawings <span style="float: right;">Total Sheets</span> 5. Oath or Declaration <span style="float: right;">Total Pages 3</span> a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 17 completed)</i> (i) <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76. 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program <i>(Appendix)</i> 8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper c. <input type="checkbox"/> Statement verifying identity of above copies	<b>ACCOMPANYING APPLICATION PARTS</b> 9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s) copy) 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <i>(when there is an assignee)</i> <input type="checkbox"/> Power of Attorney by assignee 11. <input type="checkbox"/> English Translation Document <i>(if applicable)</i> 12. <input type="checkbox"/> Information Disclosure Statement (IDS) PTO-1449 <input type="checkbox"/> _____ Copies of IDS Citations 13. <input checked="" type="checkbox"/> Preliminary Amendment <u>6</u> pp. 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i> 15. <input type="checkbox"/> Certified Copy of Priority Document(s) 16. <input checked="" type="checkbox"/> Other: <u>Request for Filing a Continuation Application Under 37 CFR § 1.53(b) 2 pp.</u>
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17. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:  
☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 10/146,779  
 Prior application information: Examiner: L. Eric Crane Group/Art Unit: 1623  
 For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as being part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. <b>CORRESPONDENCE ADDRESS:</b> Sherry M. Knowles 45 <sup>th</sup> Floor 191 Peachtree Street, N.E. Atlanta, Georgia 30303	By: <u>M. Schinazi</u> Reg. No. 36,174 Telephone: 404.572.3541 Facsimile: 404.572.5145 Customer No. 20786
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**FEE TRANSMITTAL**

This sheet accompanies a patent application transmittal for the following application:

Inventor(s): Schinazi, et. al.Filing Date: January 16, 2004Title: [5-Carboxamido or 5-Fluoro]-[2',3'-Unsaturated or 3-Modified]-Pyrimidine Nucleosides

The filing fee is calculated as shown below:

**1. FILING FEE:**

SMALL ENTITY			LARGE ENTITY	
FOR:	FEE	FEE PAID	FEE	FEE PAID
<input checked="" type="checkbox"/> UTILITY FILING FEE	\$385.00		\$750.00	<b>\$750.00</b>
<input type="checkbox"/> DESIGN FILING FEE	\$165.00		\$330.00	
<input type="checkbox"/> PLANT FILING FEE	\$255.00		\$510.00	
<input type="checkbox"/> REISSUE FILING FEE	\$370.00		\$740.00	
<input type="checkbox"/> PROVISIONAL FILING FEE	\$80.00		\$160.00	
<b>SUBTOTAL (1)</b>				<b>\$750.00</b>

**2. CLAIMS:**

SMALL ENTITY				LARGE ENTITY		
FOR:	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	20- 20 =		x \$9 =		x \$18 =	0
INDEP. CLAIMS	1- 3 =		x \$42 =		x \$84 =	0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED			+\$140 =		+\$280 =	0
SUBTOTAL (2)						\$0

**3. ADDITIONAL FEES:**

SMALL ENTITY			LARGE ENTITY	
FOR:	FEE	FEE PAID	FEE	FEE PAID
<input type="checkbox"/> LATE FILING, FEE OR OATH				<b>0</b>
<input type="checkbox"/> NON-ENGLISH SPECIFICATION				<b>0</b>
<input type="checkbox"/> OTHER				<b>0</b>
<b>SUBTOTAL (3)</b>				<b>0</b>

**TOTAL FILING FEES: \$** \$750.00A check is enclosed for the amount: **\$ 750**☒ Charge any additional fees required under 37 C.F.R. 1.16 or 1.17 to Deposit Account 11-0980.

KING &amp; SPALDING LLP

45<sup>th</sup> Floor, 191 Peachtree Street, N.E.

Atlanta, Georgia 30303

Telephone: 404.572.3541

By: Madeline JohnstonDate: January 16, 2004

Madeline I. Johnston, Attorney for Applicant

Reg. No. 36,174

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.	Continuation of U.S.S.N. 10/146,779	Confirm. No.: Unassigned
Applicant	Shinazi et al.	
Filed:	January 16, 2004	
TC/AU	Unassigned	
Examiner	Unassigned	

Docket No. 18085.105302 Con 5

Customer No. 20786

Title: [5-Carboxamido or 5-Fluoro]-[2',3'-Unsaturated or 3'-Modified]-Pyrimidine Nucleosides

Mail Stop Patent Applications  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR FILING A CONTINUATION APPLICATION UNDER 37 CFR § 1.53(b)**

Sir:

This is a request by Raymond F. Schinazi and Dennis C. Liotta for filing a Continuation Application under 37 C.F.R. § 1.53(b) of pending prior application U.S. Serial No. 10/146,779, filed on May 15, 2002, now allowed. We have been advised that U.S. Serial No. 10/146,779 will issue as U.S. Patent No. 6,680,303 on January 20, 2004.

Enclosed is a copy of the prior application U.S.S.N. 10/146,779 as originally filed on May 15, 2002. The application includes thirty-three pages of Specification, three pages of Claims, one page of Abstract, and no Formal Drawings.

Raymond F. Schinazi and Dennis C. Liotta have assigned their interest in the application to Emory University. A copy of the assignment is enclosed. Also enclosed are copies of the executed Declaration.

A Preliminary Amendment is enclosed. Applicants request entry of the Preliminary Amendment prior to fee calculation.

Applicants enclose a fee transmittal and a check for \$750.00 to cover the filing fee. The Assistant Commissioner for Patents is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 11-0980.

Respectfully submitted,



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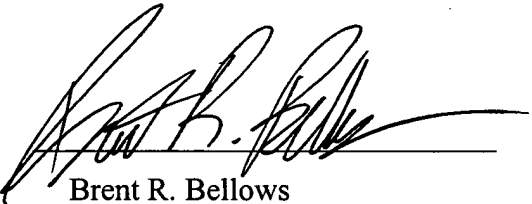
Madeline I. Johnston  
Reg. No. 36,174

Date: January 16, 2004  
**Express Mail Label EV 330777763US**

King & Spalding LLP  
191 Peachtree Street  
Atlanta, Georgia 30303  
404-572-3541 (telephone)  
404-572-5145 (facsimile)  
Attorney Docket No. 18085.105302 EMU133 CON5

**CERTIFICATE OF MAILING UNDER 37 CFR § 1.10  
FOR UTILITY PATENT APPLICATION FILING**

I hereby certify that this Request for filing a Continuation Application, Transmittal of Utility Patent Application, Utility Patent Application, and Fee Transmittal, along with any documents referred to as attached therein are being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" services under 37 CFR 1.10, Mailing Label Number **EV 330777763US** addressed to Mail Stop PATENT APPLICATION; Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.



Brent R. Bellows

Date: **January 16, 2004**